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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,543	03/27/2006	Danut Bogdan	2003P13768	7334
24131	7590	11/17/2006	EXAMINER	
LERNER GREENBERG STEMER LLP			CRUZ, LESLIE PILAR	
P O BOX 2480			ART UNIT	PAPER NUMBER
HOLLYWOOD, FL 33022-2480			2826	

DATE MAILED: 11/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/573,543	Applicant(s) BOGDAN ET AL.	
	Examiner Leslie P. Cruz	Art Unit 2826	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 March 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03/27/2006</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 34. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 11, it is unclear how the support is "partially tilt-free." The words "partially tilt-free" are contradicting each other.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

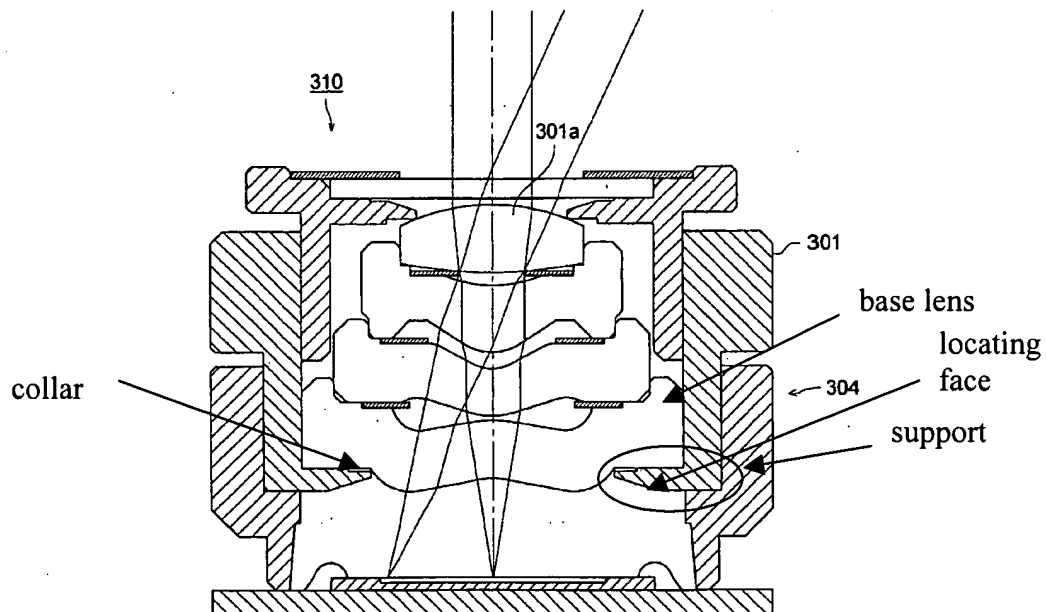
A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 10-15 and 19-22 rejected under 35 U.S.C. 102(e) as being anticipated by Tansho et al. (US 2003/0184885 A1), hereinafter Tansho.

With respect to claim 10, Tansho (e.g. Figs. 1-2, 6 and 9 (b)) discloses an optical module comprising: a circuit carrier [PC]; a semiconductor element disposed in a housing [304] disposed on the circuit carrier, the housing of the semiconductor element, at least in sections thereof, having a support (see figure below) formed thereon; and a lens unit [301a] configured for projecting electromagnetic radiation onto the semiconductor element; wherein the semiconductor element and the lens unit are formed in two parts, and the lens unit is supported on the support formed on the housing of the semiconductor element.

FIG. 9 (b)



With respect to claim 11, Tansho discloses the optical module according to claim 10.

Tansho (e.g. Fig. 9) discloses the support is formed to be tilt-free.

With respect to claim 12, Tansho discloses the optical module according to claim 10.

Tansho (e.g. Figs. 6 and 9) further discloses the support is a ring collar.

With respect to claim 13, Tansho discloses the optical module according to claim 10.

Tansho (e.g. Fig. 9) discloses the lens unit includes a base lens (see figure above) and the lens unit is supported on the base lens.

With respect to claim 14, Tansho discloses the optical module according to claim 13.

Tansho (e.g. Fig. 9) discloses the base lens includes a surface section formed to correspond to the support, at least in sections thereof, and wherein the surface section is positioned on the support formed on the housing of the semiconductor element.

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With respect to claim 15, Tansho discloses the optical module according to claim 13. Tansho (e.g. Fig. 9) further discloses the base lens has a collar, at least in sections thereof, formed to correspond substantially to a locating face formed on the support.

With respect to claim 19, Tansho discloses the optical module according to claim 10. Tansho (e.g. Fig. 9) further discloses the support is formed with a locating face, at least in sections thereof.

With respect to claim 20, Tansho discloses the optical module according to claim 19. Tansho (e.g. Fig. 9) further discloses the locating face (see figure above) of the support is formed with a taper from the semiconductor element in a direction of an optical axis of the optical module.

With respect to claim 21, Tansho discloses the optical module according to claim 20. Tansho (e.g. Fig. 9) further discloses the taper is conical.

With respect to claim 22, Tansho discloses the optical module according to claim 10. Tansho (e.g. Fig. 2) further discloses an optical system comprising the optical module according to claim 10.

Claims 10 and 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Hunter et al. (US 7,088,397 B1), hereinafter Hunter.

With respect to claim 10, Hunter (e.g. Figs. 4A and 4B) discloses an optical module comprising: a circuit carrier; a semiconductor element disposed in a housing disposed on the circuit carrier [404], the housing of the semiconductor element [402], at least in sections thereof, having a support formed thereon [4B]; and a lens unit [420] configured for projecting electromagnetic radiation onto the semiconductor element; wherein the semiconductor element

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and the lens unit are formed in two parts, and the lens unit is supported on the support formed on the housing of the semiconductor element.

With respect to claim 16, Hunter discloses the optical module according to claim 10.

Hunter (e.g. Fig. 4A) further discloses the lens unit includes a lens holder [418] and the lens unit is supported on the lens holder.

With respect to claim 17, Hunter discloses the optical module according to claim 16.

Hunter (e.g. Fig. 4B) further discloses the lens holder includes a surface section [surface of 460] formed to correspond to the support, at least in sections thereof, and wherein the surface section is positioned on the support formed on the housing of the semiconductor element.

With respect to claim 18, Hunter discloses the optical module according to claim 16.

Hunter (e.g. Fig. 4B) further discloses the lens holder has a collar [460], at least in sections thereof, formed to correspond substantially to a locating face formed on the support.

Telephone/Fax Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie P. Cruz whose telephone number is (571) 272-8599. The examiner can normally be reached on Monday-Friday 9:00-5:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisors, Wael Fahmy and Robert Pascal can be reached on (571) 272-1705 and (571) 272-1769, respectively. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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